



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833**

Public Notice No.

P-2762

Public Notice Date

June 30, 2010

Expiration Date

July 21, 2010

Postmaster Please Post Conspicuously Until:

File Number: MVS-2010-247

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Keith A. McMullen

APPLICANT: Mr. Steve Carter, Manager, Knight Hawk Coal, LLC, 500 Cutler Trico Road, Percy, Illinois 62272

AGENT: Mr. Steve Glodo, P.E., P.L.S., Midwest Reclamation Resources, Inc., 1023 North 14th Street, Murphysboro, Illinois 62966

LOCATION: The mine permit boundary consists of approximately 623 acres located in Sections 23, 24, 25, and 26, Range 06 West, and Township 05 South, approximately 2 miles southwest of Sparta, in Randolph County, Illinois. Latitude: 38.0880 Longitude: -89.6110 (Attachment 1).

PROJECT DESCRIPTION: The proposed project is the Hawkeye Mine. Surface mining will progress through the permit boundary in a series of long, narrow pits for coal recovery. Overburden will be removed to reach the coal seam with a maximum recovery depth of 150 feet. Once the coal is removed, overburden will be replaced and the area will be restored to approximate original contour, covered with stockpiled soil material, revegetated, and returned to an approved post-mine land use as required in the SMCRA permit. The Illinois Department of Natural Resources, Office of Mines and Minerals SMCRA Permit for the coal mine is IDNR Permit #411.

Proposed grading and filling associated with the mining operation will directly impact 21,149.6 linear feet of numerous ephemeral and intermittent reaches of an unnamed tributary to Little Mary's River. Additionally, 6.54 acres of jurisdictional wetlands will be impacted; 2.9 acres of forested wetland and 3.64 acres of emergent and farmed wetlands. As proposed, the mining operation will continue for 5 to 10 years.

The unnamed tributary to Little Mary's River flows to Mary's River and then to the Mississippi River, a navigable water of the United States. Approximately 23 miles of perennial stream separate waters of the United States at the mine site from the Mississippi River.

Mitigation: The applicant has proposed a mitigation plan designed to compensate for the anticipated spatial and temporal loss of stream and wetland functions within the 623-acre mine permit boundary. This plan, although not finalized, will include the constructing of an intermittent stream in approximately its original location as part of the mine reclamation plan. In-stream structures and natural channel design methods will be used for stream mitigation as well. In addition, riparian restoration will include the establishment of at least 150 foot corridors on each side of intermittent channel and 50 feet corridors on each side of the ephemeral channels. Stream corridors will be reforested with a diverse mix of bottomland tree species native to the region. One final cut impoundment, totaling approximately 6 acres of open water, will be created as part of the mine plan and permanently left on the site. Stream impact analysis and mitigation was developed using an approved stream assessment protocol for projects in the St. Louis District.

A reasonable range of alternatives have been identified and considered for the project. Alternatives include those that are practical or feasible from a technical, environmental, and economic standpoint. Given the purpose and need of the project the proposed impacts were avoided to the maximum extent practicable; minimized, and the unavoidable impacts are proposed to be compensated for in the mitigation plan.

It is noted that the proposed mitigation plan will be open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

LOCATION MAPS AND DRAWINGS: See Attachments 1 to 3.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Mr. Keith A. McMullen, Illinois Section Chief, U.S. Army Corps of Engineers, at (314) 331-8582. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to keith.a.mcmullen@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: This public notice also provides documentation to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to

any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notices/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

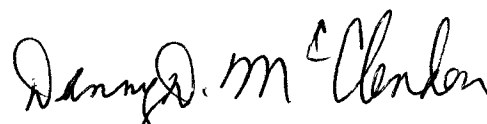
ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer, Tribal Historic Preservation Officers, and the public in response to this public notice.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

In accordance with 33 CFR 325.3, it is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project.

A handwritten signature in black ink, reading "Danny D. McCleendon". The signature is written in a cursive, flowing style.

DANNY D. MCCLENDON
Chief, Regulatory Branch

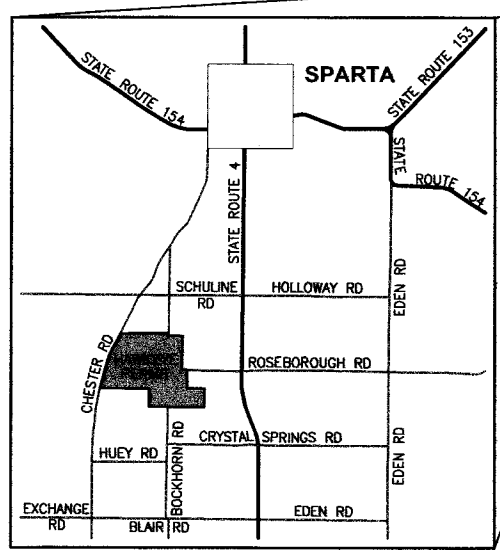
Attachments

NOTICE TO POSTMASTERS:

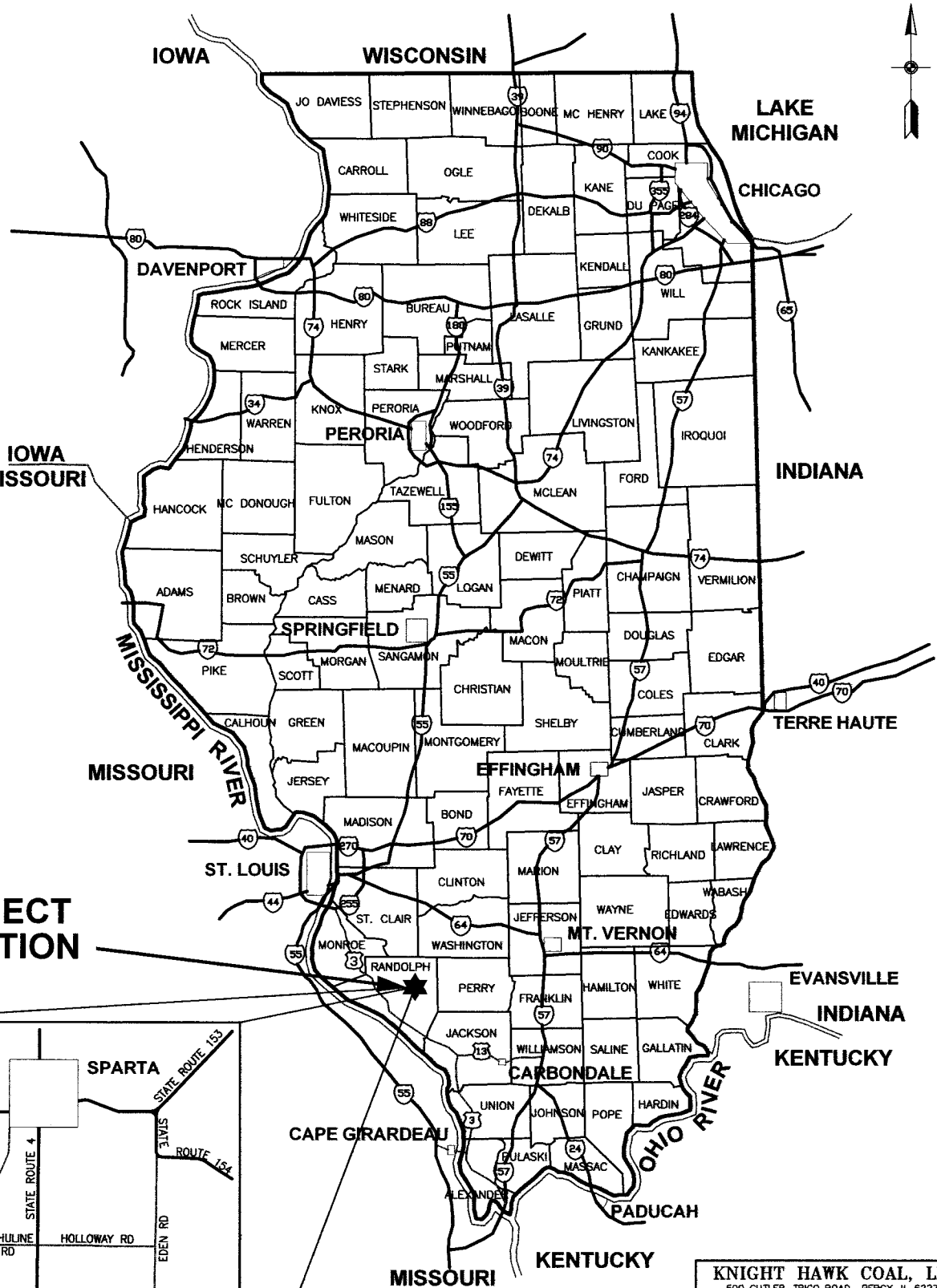
It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.




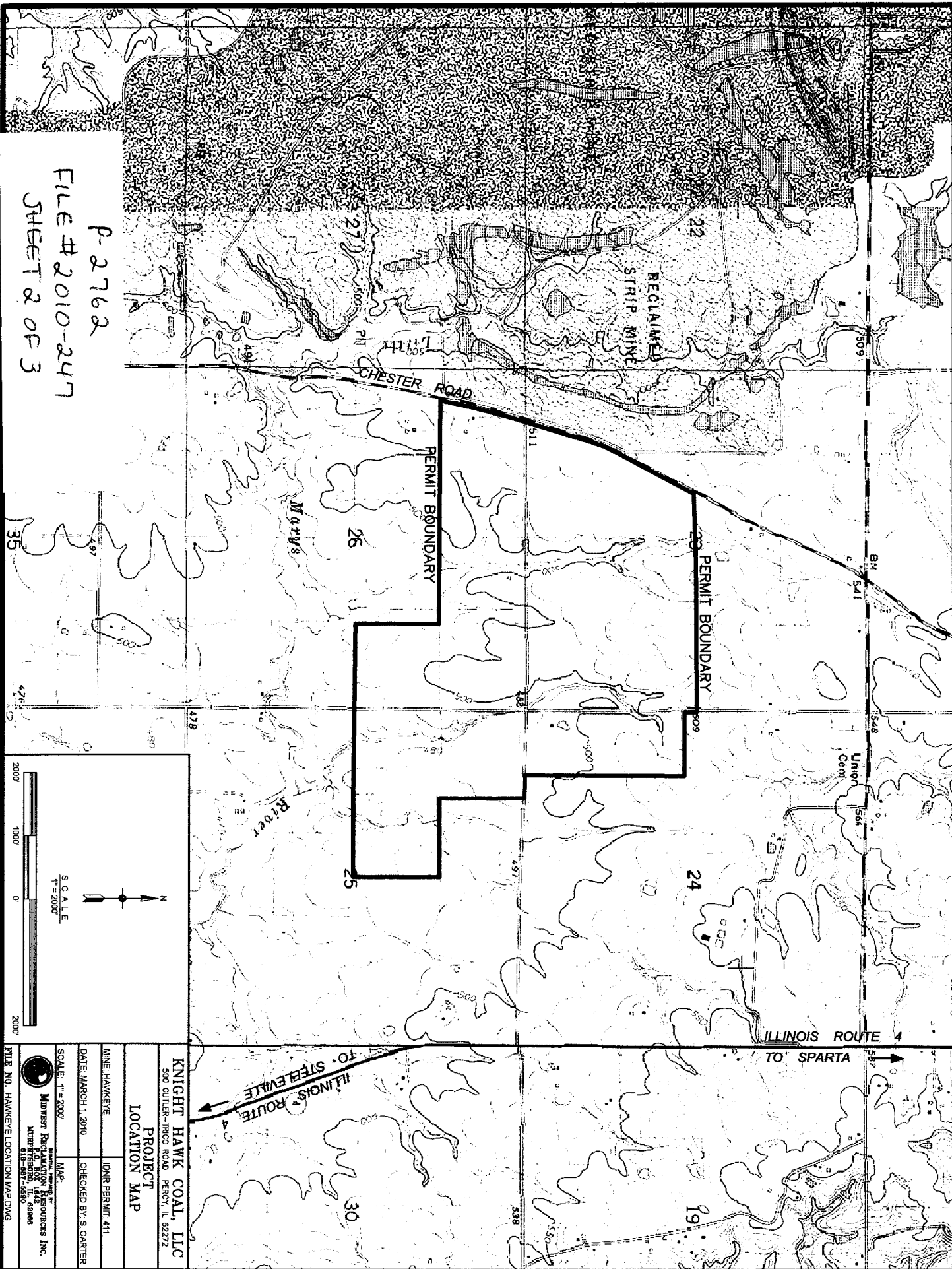
**PROJECT
LOCATION**



P 2762
FILE # 2010-247
SHEET 1 OF 3



| | |
|---|-----------------------|
| KNIGHT HAWK COAL, LLC 500 CUTLER-TRICO ROAD PERCY, IL 62272 | |
| PROJECT VICINITY MAP | |
| MINE: HAWKEYE | IDNR PERMIT: 411 |
| DATE: MARCH 15, 2010 | CHECKED BY: S. CARTER |
| SCALE: 1" = 2000' | MAP: |
| SUBMITTAL PREPARED BY:  MIDWEST RECLAMATION RESOURCES INC. P.O. BOX 1642 MURPHYSBORO, IL 62966 618-687-5590 | |
| FILE NO. HAWKEYE VICINITY MAP.DWG | |



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FILE # 2010-247
SHEET 2 OF 3

KNIGHT HAWK COAL, LLC
500 CUTLER-TRICO ROAD PERCY, IL 62272

**PROJECT
LOCATION MAP**

NAME: HAWKETE IDNR PERMIT: 411

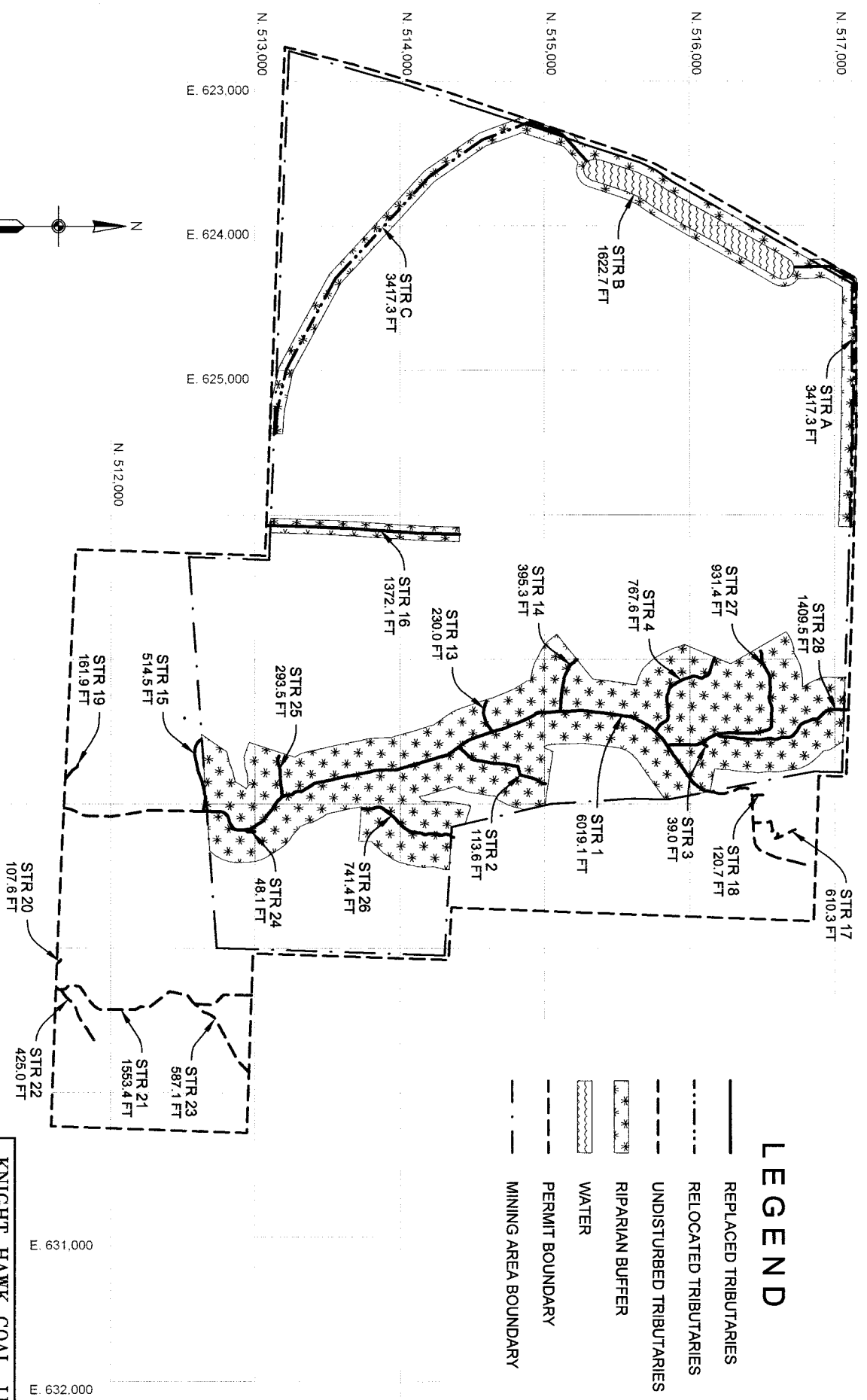
DATE: MARCH 1, 2010 CHECKED BY: S. CARTER

SCALE: 1" = 2000' MAP

MIDWEST Resources
P.O. BOX 1442
MURPHYSBORO, IL 62446
618-597-5590

FILE NO. HAWKETE LOCATION MAP.DWG

- # LEGEND
- REPLACED TRIBUTARIES
 - RELOCATED TRIBUTARIES
 - UNDISTURBED TRIBUTARIES
 - RIPARIAN BUFFER
 - WATER
 - PERMIT BOUNDARY
 - MINING AREA BOUNDARY



SCALE
1" = 1000'



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FILE #2010-247
SHEET 3 OF 3

| | |
|---|--|
| KNIGHT HAWK COAL, LLC 500 CUTLER-TRICO ROAD PERCY, IL 62272 | |
| TRIBUTARY RESTORATION MAP | |
| MINE: HAWKEYE DATE: MARCH 15, 2010 SCALE: 1" = 1000' MAP: | IDNR PERMIT: 411 CHECKED BY: S. CARTER PREPARED BY: S. CARTER MURPHYSBORO, ILL. 62440 618-587-5500 |
| PREPARED BY: S. CARTER MURPHYSBORO, ILL. 62440 618-587-5500 | |
| FILE NO. HAWKEYE TRIBUTARY RESTORATION.DWG | |